



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 5 2012

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Anthony Macaluso
Shelbyville Plating and Polishing
1010 St. Joseph Street
Shelbyville, Indiana 46176

Re: Notice and Finding of Violation
Shelbyville Plating and Polishing, Shelbyville, Indiana

Dear Mr. Macaluso:

~~The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of~~
Violation (NOV/FOV) to Shelbyville Plating and Polishing (you). We find that you are violating
Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and the implementing regulations
at 40 C.F.R. Part 63, Subpart WWWW, the National Emissions Standards for Hazardous Air
Pollutants: Area Source Standards for Plating and Polishing Operations, as well as the Indiana
State Implementation Plan (SIP) at your Shelbyville, Indiana facility.

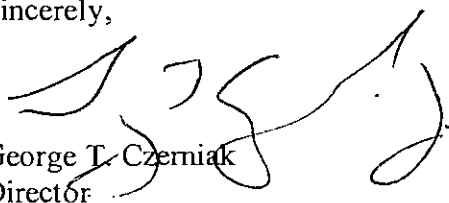
We have several enforcement options under Section 113(a)(3) of the Act, 42 U.S.C.
§ 7413(a)(3). These options include issuing an administrative compliance order, issuing an
administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the
NOV/FOV. The conference will give you the opportunity to present information on the specific
findings of violation, the efforts you have taken to comply, and the steps you will take to prevent
future violations.

Please plan for your facility's technical and management personnel to attend the conference to
discuss compliance measures and commitments. You may have an attorney represent you at this
conference.

The EPA contact in this matter is Gregory Gehrig. You may call him at (312) 886-4434 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: David R. Rice
Environmental Manager
Office of Air Quality
Indiana Dept. of Environmental Management
100 North Senate Avenue, room IOCN 1003
Indianapolis, Indiana 46206-6015

Phil Perry, Chief
Compliance and Enforcement Branch
Office of Air Quality
Indiana Dept. of Environmental Management
100 North Senate Avenue, room IOCN 1003
Indianapolis, Indiana 46206-6015

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Shelbyville Plating and Polishing
Shelbyville, Indiana

Proceedings Pursuant to Section 113(a)(3)
of the Clean Air Act, 42 U.S.C.
§ 7413(a)(3)

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) **NOTICE AND FINDING OF**
) **VIOLATION**
) **EPA-5-13-IN-01**
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NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that Shelbyville Plating and Polishing (SP&P) is violating Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and the implementing regulations at 40 C.F.R. Part 63, Subpart WWWW, the National Emissions Standards for Hazardous Air Pollutants (NESHAPs): Area Source Standards for Plating and Polishing Operations (Subpart WWWW), the Indiana State Implementation Plan (SIP) and SP&P's Minor Source Operating Permits (MSOP) at its Shelbyville, Indiana, facility, as follows:

NESHAP Background and Provisions

1. Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes the EPA to promulgate regulations for particular industrial sources that emit one or more of the HAPs listed in Section 112(b) of the Act, 42 U.S.C. § 7412(b), in significant quantities. These standards are known as National Emissions Standards for the Regulation of Hazardous Air Pollutants (NESHAPs).
2. Pursuant to Section 112(d) of the Act, 42 U.S.C. § 7412(d), on July 1, 2008, EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Regulations (Subpart WWWW). 73 Fed. Reg. 37741 (July 1, 2008).
3. Subpart WWWW applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; 2) uses or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) is engaged in non-chromium electroplating, among other things. 40 C.F.R. § 63.11504(a)
4. An "area source of HAP emissions" is any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any

single HAP at a rate of 10 tons per year (tpy) or more and any combination of HAPs at a rate of 25 tpy or more. 40 C.F.R. § 63.11504(a)(2)

5. "Electroplating" is an electrolytic process that uses or emits any of the plating and polishing metal HAPs, in which metal ions in solution are reduced onto the surface of the work piece via an electrical current. 40 C.F.R. § 63.11511
6. "Plating and polishing metal HAP" is any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form. Any material that does not contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), and does not contain manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as reported on the Material Safety Data Sheet for the material, is not considered to be a plating and polishing metal HAP. 40 C.F.R. §§ 63.11504(a)(3) and 63.11511
7. Subpart WWWWWW applies to each new or existing affected source, which, in part, includes each tank that contains one or more of the plating and polishing metal HAPs and is used for non-chromium electroplating. 40 C.F.R. § 63.11505(a)
8. An affected source under Subpart WWWWWW is "existing" if construction or reconstruction of the source occurred on or before March 14, 2008. 40 C.F.R. § 63.11505(b)
9. The owner or operator of an existing affected source under Subpart WWWWWW must achieve compliance with the applicable provisions no later than July 1, 2010. 40 C.F.R. § 63.11506(a)
10. Subpart WWWWWW, at 40 C.F.R. § 63.11507(a), in part, requires the owner or operator of an affected existing non-cyanide electroplating tank that contains one or more of the plating and polishing metal HAPs and operates at a pH of less than 12 to do one of the following:
 - a) use a wetting agent/fume suppressant in the bath of the affected tank;
 - b) capture and exhaust emissions from the affected tank to a composite mesh pad, a packed-bed scrubber, or a mesh pad mist eliminator; or
 - c) for a batch electrolytic process tank, use a tank cover over all of the effective surface area of the tank for at least 95 percent of the electrolytic process operating time.
11. A "wetting agent/fume suppressant" is any chemical agent that reduces or suppresses fumes or mists from a plating and polishing tank by reducing the surface tension of the tank bath. 40 C.F.R. § 63.11511
12. A "composite mesh pad," a "packed-bed scrubber," and a "mesh pad mist eliminator" are control devices that contain:

- a) multiple pads in series that are woven with layers of material with varying fiber diameters, producing a coalescing effect on the droplets or particulate matter (PM) that impinge upon the pads;
 - b) a single or double packed bed that contains packing media on which PM and droplets impinge and are removed from the gas stream; and
 - c) layers of interlocked filaments densely packed between two supporting grids that remove liquid droplets and PM from the gas stream through inertial impaction and direct interception, respectively. 40 C.F.R. § 63.11511
13. A "batch electrolytic process tank" is a tank used for an electrolytic process in which a part or group of parts, typically mounted on racks or placed in barrels, is placed in the tank and immersed in an electrolytic process solution as a single unit for a predetermined period of time, during which none of the parts are removed from the tank and no other parts are added to the tank, and after which the part or parts are removed from the tank as a unit. 40 C.F.R. § 63.11511
14. A "tank cover" for a batch process unit is a solid structure made of an impervious material that is designed to cover the entire open surface of a tank or process unit that is used for plating or other metal coating processes. 40 C.F.R. § 63.11511
15. In addition, Subpart WWWW requires the owner or operator of an affected source to ~~be in compliance with the applicable management practices and equipment standards in the~~ subpart at all times. 40 C.F.R. § 63.11508(b)

Indiana SIP and Minor Source Operating Permit

16. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that it shall be unlawful for any person to violate any requirement of a Title V permit or to operate a major source without a Title V permit. Section 502(b) of the Act, 42 U.S.C. § 7661a(b), requires the Administrator of EPA to promulgate regulations establishing the minimum elements of a Title V permit program.
17. On July 21, 1992, EPA promulgated regulations required by the Act for Title V state operating permit programs. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.
18. 40 C.F.R. § 70.1(b) provides that all sources subject to the regulations at Part 70 shall have a permit to operate that assures compliance by the source with all applicable requirements.
19. EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57188), and the program became effective on December 14, 1995. The Indiana Title V program was granted final full approval by EPA, effective November 30, 2001. See 40 C.F.R. Part 70, Appendix A.

20. A smaller source can be exempt from Title V review if it applies for and obtains a Federally Enforceable State Operating Permit (FESOP) which limits emissions below major source thresholds.
21. EPA approved Indiana's FESOP program on April 19, 1995. 60 Fed. Reg. 43008.
22. The Indiana SIP incorporates Subpart WWWW by reference. 326 Indiana Administrative Code 20-1-1.
23. On April 5, 2011, The Indiana Department of Environmental Management (IDEM) issued Minor Source Operating Permit M145-30038-00052 (Permit) to SP&P pursuant to 40 C.F.R. § 52.780.
24. Permit condition B.9 requires the development and implementation of a Preventative Maintenance Plan (PMP).
25. Permit condition E.1.1(a) incorporates Subpart WWWW for the affected nickel electroplating tank.

Findings of Fact

- ~~26. SP&P owns and operates a plating facility at 1010 St. Joseph's Street, Shelbyville, Indiana,~~ where it conducts nickel "electroplating" of aluminum, steel, and stainless steel, as that term is defined at 40 C.F.R. § 63.11511.
27. The facility is an "area source of HAP emissions," as that term is defined at 40 C.F.R. § 63.11504(a)(2).
28. Nickel is a "plating and polishing metal HAP," as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.
29. The facility utilizes an "existing" (as that term is defined at 40 C.F.R. § 63.11505(b)) electrolytic nickel plating tank that operates at a pH of less than 12 and is subject to Subpart WWWW.
30. EPA inspected the facility on July 18, 2012, for compliance with Subpart WWWW, and sent a follow-up Information Request to the facility on July 23, 2012.
31. During the inspection, the EPA observed that SP&P was using the nickel electroplating tank without implementing any of the four required controls detailed in Subpart WWWW, at 40 C.F.R. § 63.11507(a).
32. During the inspection, SP&P could not provide EPA with a PMP per Permit condition B.9.
33. SP&P submitted its response to the Information Request on August 13, 2012.

34. SP&P did not provide a PMP in response an EPA information request sent to SP&P on July 23, 2012.

Violations

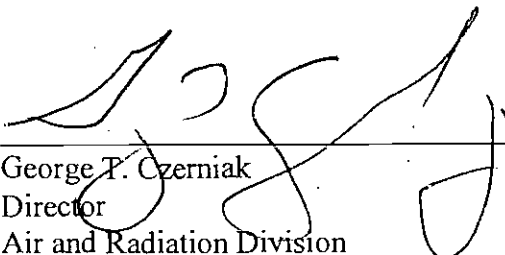
35. Since July 1, 2010, SP&P failed to control emissions from its electrolytic nickel plating tank in accordance with Subpart WWWWW, in violation of 40 C.F.R. §§ 63.11506(a), 63.11507(a), 63.11508(b) and related permit conditions, including notification, record keeping and reporting.
36. Since April 5, 2011, SP&P has failed to prepare and implement a PMP pursuant to Permit condition B.9.
37. SP&P's violations of Subpart WWWWW and its permit constitute violations of the CAA and the Indiana SIP.
38. Section 113(a) of the CAA, 42. U.S.C. § 7413(a), authorizes the Administrator to initiate an enforcement action whenever, on the basis of any available information, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of, among others, any implementation plan or permit, Title I or Title V of the CAA, or any rule promulgated, issued or approved under Title I or Title V of the CAA.
39. Failure to comply with any provisions of this part, any approved regulatory provision of a SIP, any permit condition, or with any permit limitation or condition contained within an operating permit, renders the person or governmental entity so failing to comply in violation of a requirement and subject to enforcement action under Section 113 of the CAA. 40 C.F.R. § 52.23.

Environmental Impact of Violations

40. Violation of the National Emissions Standards for HAPs can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

12/5/12

Date



George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-13-IN-01, by Certified Mail, Return Receipt Requested, to:

Anthony Macaluso
Shelbyville Plating and Polishing
1010 St. Joseph Street
Shelbyville, IN 46176

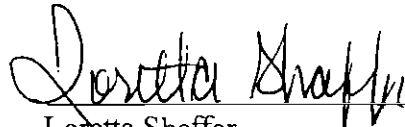
I also certify that I sent copies of the Notice and Finding of Violation by first class mail to:

cc: David R. Rice
Environmental Manager
Office of Air Quality
Indiana Dept. of Environmental Management
100 North Senate Avenue, room IOCN 1003
Indianapolis, Indiana 46206-6015

Phil Perry, Chief
Compliance and Enforcement Branch

Office of Air Quality
Indiana Dept. of Environmental Management
100 North Senate Avenue, room IOCN 1003
Indianapolis, Indiana 46206-6015

on the 6th day of December, 2012.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7667 4935